

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2015060453

NEWPORT-MESA UNIFIED SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2015060323

ORDER GRANTING MOTION TO
CONSOLIDATE

On May 28, 2015, Parents on behalf of Student filed a Request for Due Process Hearing in Office of Administrative Hearing case number 2015060453 (Student's Case), naming the Newport-Mesa Unified School District. Amongst other issues, Student's complaint alleges that District failed to provide him an appropriate multidisciplinary assessment.

On June 5, 2015, District filed a Request for Due Process Hearing in OAH case number 2015060323 (District's Case), naming Student. District's complaint seeks to defend its multidisciplinary assessment of Student.

On June 9, 2015, Student and District jointly filed a motion to consolidate Student's Case with District's Case.

APPLICABLE LAW AND DISCUSSION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative

proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, Student's Case and District's Case involve a common question of law or fact, including similar questions related to Student's education needs and program. Consolidation furthers the interests of judicial economy because of the commonality of legal and factual issues, documentary evidence and witnesses. Accordingly, consolidation is granted.

ORDER

1. Parties' joint motion to consolidate is granted.
2. All dates previously set in OAH Case Number 2015060323 (District's Case) are vacated.
3. The consolidated matters shall proceed on the dates currently set in OAH Case Number 2015060453 (Student's Case), which shall be designated as the primary case.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2015060453 (Student's Case).

DATE: June 16, 2015

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings